



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P. (MD)No.4429 of 2021

and

Crl.M.P (MD) No.2488 of 2021

WEB COPY

1.Kodipuli
2.Chandru
3.Manimegalai

... Petitioners

Vs.

1.The State rep. by
The Inspector of Police
Checkanurani Police Station,
Madurai District.
(Crime No.946 of 2020)

2.Kalaiselvi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.946 of 2020 dated 16.06.2020 on the file of the first respondent police and quash the same.

For Petitioners	: Mr.A.Jayaramachandran
For 1st Respondent	: Mr.A.Robinson
	Government Advocate (Criminal Side)

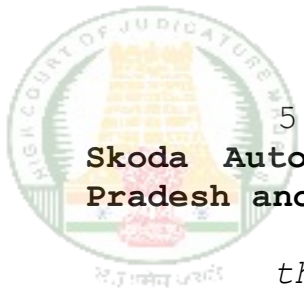
ORDER

The present petition is filed by the petitioners, seeking for a direction to quash the First Information Report in Crime No.946 of 2020 of Checkanurani Police Station, Madurai District.

2.Mr.A.Jayaramachandran, learned counsel for the petitioners contended that the allegations levelled against the present petitioners are not grave in nature as per the First Information Report in Crime No.946 of 2020 and that the second respondent had also lodged a false complaint with the Inspector of Police, Checkanurani Police Station, Madurai District.

3.Mr.Mr.A.Robinson, learned Government Advocate (Criminal Side), accepts notice for the first respondent.

4.A perusal of the First Information Report shows that certain cognizable offences are made out as against the present petitioners and there are no good grounds to quash the First Information Report in Crime No.946 of 2020 of Checkanurani Police Station, Madurai District.



5. In the decision reported in 2020 SCC online SC 958 in **Skoda Auto Volkswagen India Private Limited vs. State of Uttar Pradesh and others**, it has been held thus :

"It is needless to point out that ever since the decision of the Privy Council in King Emperor vs. Khwaja Nazir Ahmed, the law is well settled that Courts would not thwart any investigation. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on. As cautioned by this Court in State of Haryana vs. Bhajan Lal, the power of quashing should be exercised very sparingly and with circumspection and that too in the rarest of rare cases. While examining a complaint, the quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or in the complaint. In S.M. Datta vs. State of Gujarat, this Court again cautioned that criminal proceedings ought not to be scuttled at the initial stage. Quashing of a complaint should rather be an exception and a rarity than an ordinary rule. In S.M. Datta (supra), this Court held that if a perusal of the first information report leads to disclosure of an offence even broadly, law courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere."

6. In the circumstances, I do not find any reason to quash the First Information Report in Crime No.946 of 2020. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

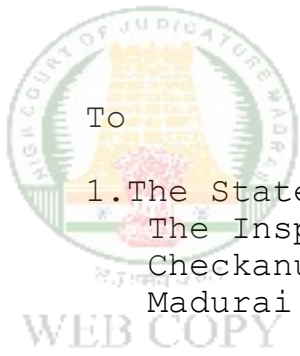
Assistant Registrar ()

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/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The State rep. by
The Inspector of Police
Checkanurani Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.4429 of 2021
23.03.2021

KG (CO)
KB (30.03.2021) 3P 3C